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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

PETER L. JENSEN AND THOMAS C.
TEKULVE, JR.,

Defendants.

Case No. CV 11-05316R (AGRx)

**ORDER GRANTING
DEFENDANTS' MOTIONS IN
LIMINE (1) TO EXCLUDE ALL
REFERENCES TO SEC
AGREEMENT WITH DOUGLAS
HANSEN; (2) TO EXCLUDE
CERTAIN EXPERT EVIDENCE
AT TRIAL; (3) TO EXCLUDE
ALL REFERENCES TO BASIN
WATER, INC.'S IPO AS PART
OF ANY SCHEME LIABILITY
CLAIM; AND (4) TO EXCLUDE
ALL REFERENCES TO BASIN
WATER, INC.'S BANKRUPTCY**

Date: December 17, 2012
Time: 11:00 a.m.
Courtroom: 8
Judge: Hon. Manuel L. Real

On December 17, 2012, this matter came before this Court on (1) Defendant

[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTIONS *IN LIMINE* TO
EXCLUDE (1) SEC AGREEMENT WITH
HANSEN; (2) CERTAIN EXPERT
EVIDENCE; (3) REFERENCES TO IPO AS
PART OF SCHEME LIABILITY; AND (4)
BASIN WATER, INC.'S BANKRUPTCY

1 Thomas C. Tekulve, Jr.'s Motion in Limine to Exclude All References to SEC
2 Agreement With Douglas Hansen (Docket No. 61); (2) Defendant Thomas C.
3 Tekulve, Jr.'s Motion in Limine to Exclude Certain Expert Evidence at Trial
4 (Docket No. 57); (3) Defendant Peter L. Jensen's Motion in Limine No. 1 to
5 Exclude All References to Basin Water Inc.'s IPO as Part of Any Scheme Liability
6 Claim (Docket No. 86); and (4) Defendant Peter L. Jensen's Motion in Limine No.
7 2 to Exclude All References to Basin Water Inc.'s Bankruptcy (Docket No.87).

8 Karen Matteson appeared on behalf of the Plaintiff Securities and Exchange
9 Commission; Seth Aronson and Carolyn Kubota of O'Melveny & Myers LLP
10 appeared on behalf of Defendant Thomas C. Tekulve, Jr.; and David Scheper and
11 William Forman of Scheper Kim & Harris LLP appeared on behalf of Defendant
12 Peter L. Jensen.

13 After considering all papers filed in support of and in opposition to said
14 motion, entertaining the arguments of counsel, and good cause appearing therefor,
15 the Court hereby **ORDERS** that:

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17 1. Defendant Thomas C. Tekulve, Jr.'s Motion in Limine to Exclude All
18 References to SEC Agreement With Douglas Hansen is hereby
19 **GRANTED**, for the reasons stated on the record.

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21 Plaintiff is hereby prohibited from making any argument or introducing at
22 trial any evidence, expert opinion, reference or inference through questioning or
23 otherwise, that relates to the 1994 SEC Complaint and administrative proceeding
24 against Mr. Hansen, including all references to: Depo. Exhibit 909 (Sept. 28, 2004
25 Complaint); Depo. Exhibit 904 (Feb. 15, 1995 Final Judgment of Permanent

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27 [PROPOSED] ORDER GRANTING
28 DEFENDANTS' MOTIONS *IN LIMINE* TO
EXCLUDE (1) SEC AGREEMENT WITH
HANSEN; (2) CERTAIN EXPERT
EVIDENCE; (3) REFERENCES TO IPO AS
PART OF SCHEME LIABILITY; AND (4)
BASIN WATER, INC.'S BANKRUPTCY

1 Injunction as to Douglas Hansen); Depo. Exhibit 905 (February 14, 1995 Consent
2 of Douglas C. Hansen to Injunction); Depo. Exhibit 910 (Jan. 26, 1995 Offer of
3 Settlement of Douglas C. Hansen); or Depo. Exhibit 908 (Mar. 13, 1995 Order
4 Instituting Proceedings Pursuant to Rule 2(e)(3)(i)(A)).

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6 2. Defendant Thomas C. Tekulve, Jr.'s Motion in Limine to Exclude
7 Certain Expert Evidence at Trial is hereby **GRANTED**, for the reasons
8 stated on the record.

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10 Plaintiff is hereby prohibited from making any argument or introducing at
11 trial any evidence, expert opinion, reference, or inference through questioning or
12 otherwise, to show that the purchase price in the Opus Trust and Thermax
13 transactions was not fixed and determinable.

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15 3. Defendant Peter L. Jensen's Motion in Limine No. 1 to Exclude All
16 References to Basin Water Inc.'s IPO as Part of Any Scheme Liability
17 Claim is hereby **GRANTED**, for the reasons stated on the record.

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19 Plaintiff is hereby prohibited from making any argument, reference, or
20 inference through questioning or otherwise or introducing any evidence or expert
21 opinion at trial to show that Basin Water Inc.'s IPO was part of any alleged scheme
22 to defraud.

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25 4. Defendant Peter L. Jensen's Motion in Limine No. 2 to Exclude All

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1 References to Basin Water Inc.'s Bankruptcy is hereby **GRANTED**,
2 for the reasons stated on the record.
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5 Plaintiff is hereby prohibited from making any argument, reference, or
6 inference through questioning or otherwise or introducing any evidence or expert
7 opinion at trial relating to Basin Water Inc.'s bankruptcy or the causes therefore.
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9 **IT IS SO ORDERED.**

10 Dated: Dec. 28, 2012



11 Hon. Manuel L. Real
12 United States District Judge
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